

ENTERED

January 22, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DARRYL GEORGE, *et al.*,

§

Plaintiffs,

§

VS.

§

3:24-CV-12

§

GREG ABBOTT, *et al.*,

§

Defendants.

§

§

ORDER

The defendants have filed a Rule 12(b) motion to dismiss without first complying with Rule 6 of the Galveston Division Rules of Practice—“Special Requirement for Motions to Dismiss under Rule 12(b).” The court notes that the motions to dismiss were filed before the case was transferred to the Galveston Division. However, in accordance with our local rules, the court now *sua sponte* grants the plaintiffs leave to file an amended complaint.

By **February 12, 2024**, the plaintiffs must either (i) file an amended complaint; or (ii) notify the court by letter that they will rely on the complaint that is the subject of the motion to dismiss.

If the plaintiffs elect to file an amended complaint, the defendants may then either (i) file an answer to the amended complaint; or (ii) file an amended motion to dismiss the amended complaint.

If by February 12 the plaintiffs have neither amended their complaint nor notified the court that they intend not to amend, they will be deemed to have chosen not to amend.

If the plaintiffs do not file an amended complaint by February 12, they will have until February 22 to respond to the motions to dismiss. The motions will proceed in regular course and the plaintiffs shall not be allowed to amend until the court has both disposed of the motions to dismiss and—either *sua sponte* or on motion of the plaintiffs—granted leave to amend.

Signed on Galveston Island this 22nd day of January, 2024.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE